

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 ANTHONY SILVA,,
9

10 *Petitioner,*

11 vs.

12 ISIDRO BACA, *et al.*,
13

14 *Respondents.*

3:16-cv-00431-HDM-VPC

ORDER

15 Petitioner has submitted an entirely hand-written document styled as a petition for habeas
16 corpus. ECF No. 1. Because he appears to be challenging his state custody under a state-court
17 judgment, he is required to complete a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254,
18 on the court-approved form. Local Rule, LSR 2-1 (requiring plaintiffs appearing in *pro se* to file all of
19 their complaints and petitions on the court's approved forms).

20 In addition, petitioner has failed to submit an application to proceed *in forma pauperis* or pay
21 the filing fee. Accordingly, this matter has not been properly commenced. 28 U.S.C. § 1915(a)(2) and
22 Local Rule, LSR1-1, 1-2.

23 Thus, the present action will be dismissed without prejudice to the filing of a habeas petition
24 pursuant to 28 U.S.C. § 2254 on the form required by this court in a new action with either the \$5.00
25 filing fee or a completed application to proceed *in forma pauperis* on the proper form with both an
26 inmate account statement for the past six months and a properly executed financial certificate.

27 **IT IS THEREFORE ORDERED** that this action shall be **DISMISSED** without prejudice to
28 the filing of a habeas petition, on the required form, in a new action, accompanied by either a properly

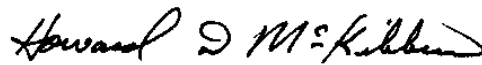
1 completed pauper application or a filing fee of \$5.00.

2 **IT IS FURTHER ORDERED** that the Clerk shall send petitioner two copies each of an
3 application form to proceed *in forma pauperis* for incarcerated persons and a noncapital Section 2254
4 habeas petition form, one copy of the instructions for each form, and a copy of the papers that he
5 submitted in this action.

6 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and close this
7 case.

8 **IT IS FURTHER ORDERED** that a certificate of appealability is denied.

9 Dated this 26th day of July, 2016.

10
11 

12 UNITED STATES DISTRICT JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28